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Attorneys for Defendant
CITY AND COUNTY OF SAN FRANCISCO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FREDDY U. MARTINEZ,

Plaintiff,

vs.

CITY AND COUNTY OF SAN FRANCISCO
and DOES 1 to 50,

Defendants.

Case No. 13-cv-4197 DMR

**STIPULATION AND ~~PROPOSED~~ ORDER
EXTENDING TIME FOR SETTLEMENT
CONFERENCE**

Trial Date: March 2, 2015

The parties to this litigation enter the following stipulation and respectfully request that the Court approve of and enter the following order:

STIPULATION

WHEREAS,

1. Defendant consented to Magistrate Judge Donna M. Ryu on October 8, 2013. Plaintiff consented on November 26, 2013.

1 2. On December 5, 2013, the Court ordered the parties to participate in a settlement
2 conference with Magistrate Judge Kandis A. Westmore by March 15, 2014.

3 3. On March 12, 2014, Deputy City Attorney Warren Metlitzky and Plaintiff's counsel
4 Gino Molinari attended a scheduled settlement conference. Plaintiff did not attend. Judge
5 Westmore informed Plaintiff's counsel that the settlement conference could not proceed without
6 Plaintiff present.

7 4. Plaintiff is currently attempting to resolve a dispute as to his counsel in this matter.
8 The two attorneys of record for Plaintiff anticipate that they will resolve the dispute within the next
9 eight weeks.

10 5. After the issue is resolved, the parties agree that an additional attempt at a settlement
11 conference would be a productive use of resources.

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THE PARTIES HEREBY STIPULATE and respectfully request that the Court extend the time to attend a settlement conference with Judge Westmore until June 1, 2014, subject to Judge Westmore's availability. Plaintiff's counsel will notify the Court and the City once the dispute as to counsel is resolved.

Dated: March 21, 2014

DENNIS J. HERRERA
City Attorney
CHERYL ADAMS
Chief Trial Attorney
WARREN METLITZKY
NEWTON OLDFATHER
Deputy City Attorneys

By: /s/ Newton Oldfather
NEWTON OLDFATHER

Attorneys for Defendants
CITY AND COUNTY OF SAN FRANCISCO

LAW OFFICES OF GINO J. MOLINARI

By: /s/ Gino J. Molinari (with permission)*
GINO J. MOLINARI

Attorney for Plaintiff
FREDDY U. MARTINEZ
**Pursuant to GO 45, the electronic signatory has
obtained approval from this signatory.*

LAW OFFICES OF XAVIER A. BAEZA

By: /s/ Xavier A. Baeza (with permission)*
XAVIER A. BAEZA

Attorney for Plaintiff
FREDDY U. MARTINEZ
**Pursuant to GO 45, the electronic signatory has
obtained approval from this signatory.*

~~[PROPOSED]~~ ORDER

The parties are ordered to participate in a settlement conference before Magistrate Judge Kandis A. Westmore, which shall be completed by **no later than 6/1/2014**, or as soon thereafter as is convenient to Judge Westmore's calendar.

It is so ORDERED.

Dated: March 21, 2014 _____

